

## COMMISSION MEETING MINUTES

DECEMBER 4, 2014

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, December 4, 2014.

PRESENT: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout, Commissioners Jeff Banyas, Jenny Brock and David Tomita, Pete Peterson, City Manager, and Janet Jennings, City Recorder.

Mayor Ralph Van Brocklin called the meeting to order at 6:05 p.m.

At this time, Elder Mark Redd, Pastor, Grace Temple Church Eternal Life Center, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the addition to the Consent Agenda of the consideration of 1) a payment to CMS ACA Transitional Reinsurance in the amount of \$157,628.63, 2) a revised loan resolution authorizing indebtedness up to \$1,300,000 to fund a field house at Science Hill High School (SHHS), and 3) a revised loan resolution authorizing indebtedness up to \$2,000,000 to fund the Downtown Event Facility, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of the approval of a five (5) year contract with Greyhound Lines, Inc. (Consent Agenda General Item), until receipt from City Staff of answers, requested by the City Commission at the Agenda Meeting, regarding the length of contract and potential alternate locations, be and the same is hereby approved.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That rearrangement of the Commission Agenda to allow for the Trail Task Force and Frontier Health presentations to be placed just after Proclamations/ Resolutions/Presentations, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, November 20, 2014, be and the same are hereby approved.

At this time, Mayor Ralph Van Brocklin presented Certificate of Achievement Awards for Winning Artwork, for the 2014 City Christmas Card, to Callie Dickison, Marcida Thompson and Lily Abrams.

At this time, Roger Blakeley, Parks and Recreation Director, presented the Tennessee Recreation and Parks Association Four Star Award for Excellence in Community Center Programming for the Carver Community Peace Gardens to Mayor Ralph Van Brocklin. Sam Jones and Tamara Foster were present.

At this time, Mayor Ralph Van Brocklin opened the public input session. Kimball Sterling addressed the City Commission regarding saving a mid-century landmark "U-Haul" sign.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Atlantic Ale House LLC, 111 McClure Street, Johnson City, Tennessee, be and the same is hereby approved. Jenny Lockmiller, applicant, was present.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Trail Task Force Policy as presented, be and the same is hereby approved. Dan Schumaier addressed the City Commission.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the replacement of Chris Mathes with Dexter Lunceford on the Trail Task Force Committee as recommended by the Task Force, be and the same is hereby approved.

At this time, Dan Schumaier stated that the appointment of Richie Torbett to replace Steve Fabriatore was made by the Trail Task Force. He stated that the Task Force is interested in the formation of a 501(C) (3) for the Trail, directional signage on the interstate and downtown and additional parking at the trail head. He also requested that the City proceed with the extension of the Trail.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That direction of the Trail Task Force to meet with Elizabethton to develop a plan and report back to the City Commission, be and the same is hereby approved. City Staff will check into the formation of a 501(C)(3) for the Trail and report back to the City Commission. City Staff will look at directional signage and report back within thirty (30) days.

At this time, Teresa Kidd and Kathy Benedetto, Frontier Health, and Gregg Wallace, Johnson City Schools, addressed the City Commission.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** as follows: Mayor Ralph Van Brocklin and Commissioners Jenny Brock and David Tomita voted aye. Vice-Mayor Clayton Stout and Commissioner Jeff Banyas voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of a request from Frontier Health for \$20,000 in matching funds for the Mountain View Elementary System of Care Grant, until the December 18, 2014, regularly scheduled City Commission Meeting, be and the same is hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Regina D. Houston, d/b/a Loyal Order of Moose #1831, 1801 West Lakeview Drive, Johnson City, Tennessee, be and the same is hereby approved. Regina D. Houston was present.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Ole's Guacamoles by the Lake, Inc., 1000 South Roan Street, Johnson City, Tennessee, be and the same is hereby approved. Debbie Harvey, Manager, was present.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That acceptance of a donation of Public Art from Marcia Songer and Lynda Wexler (Consent Agenda Item), be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the appointments of William Adams, Police Department Representative, and Phillip Oler, Fire Department Representative, to the Civil Service Commission, be and the same are hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the re-appointment of Ron Dawson, Board of Commission Representative, to the Civil Service Commission, be and the same is hereby approved.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the appointments of Charles Hough, Eva Hunter and Janice C. Shelton to the Senior Services Foundation Board, be and the same are hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the appointments of Laura Kelly, ASP/Homebuilder Representative, and Rodney Robinson, Lenders Representative, to the Housing and Community Development Advisory Board, be and the same are hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the pulling from the Consent Agenda of the consideration of a construction contract with Trademark of Virginia, Inc., in the amount of \$1,776,530, for the construction of the Farmers Market Event/Facility, be and the same is hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That acceptance of the construction contract with Trademark of Virginia, Inc., in the amount of \$1,776,530, for the construction of the Farmers Market Event/Facility with changes to Article 3, Section 3.1 - date of commencement changed from December 1<sup>st</sup> to "date of notice to proceed" and, to Section 3.3 - Substantial Completion changed from 180 days to 240 days, be and the same is hereby approved.

At this time, a motion made by Commissioner Jeff Banyas and seconded by Commissioner David Tomita to pull from the Consent Agenda, consideration of a Maintenance Agreement with Tennessee Department of Transportation with respect to the construction of a signal at the intersection Mountainview Road and SR 36 (North Roan Street) was **withdrawn**.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by four ayes. Commissioner Jenny Brock voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of a Maintenance Agreement with Tennessee Department of Transportation with respect to the construction of a signal at the intersection Mountainview Road and SR 36 (North Roan Street) until the next meeting, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the remainder of the Consent Agenda for December 4, 2014, be and the same is hereby approved.

CONSENT AGENDA:

**A. GENERAL:**

**i. Transit**

Consider approval of five-(5) year contract with Greyhound Lines, Inc.

**ii. Public Works**

Consider the Donation of Public Art from Marcia Songer and Lynda Wexler

iii. **Public Works**

Consider a Maintenance Agreement with Tennessee Department of Transportation with respect to the construction of a signal at the intersection Mountainview Road and SR 36 (North Roan Street)

iv. **Public Works**

Consider the construction contract with Trademark of Virginia, Inc. in the amount of \$1,776,530 for the construction of the Farmers Market Event/Facility

v. **Development Services Department**

Review and Approval of the Neighborhood Lighting Policy

vi. **Development Services Department**

Consider Additional Lighting for TCCRP Neighborhoods

**B. INVOICES:**

- i. The TML Pool ..... \$28,882.86  
Risk Management  
Liability Claim Invoice  
Funding Source: Insurance Fund Liability Reserves
- ii. Preston Construction ..... \$15,665.32  
Johnson City Schools ~ Pay Request #6 (FINAL PAYMENT)  
Science Hill High School Sidewalk Canopies  
Funding Source: Washington County Bond Fund
- iii. Shaw & Shanks Engineering ..... \$2,124.00  
Johnson City Schools  
Science Hill High School Sidewalk Canopies  
Funding Source: Washington County Bond Fund

- iv. Utility Service Company . . . . . \$89,190.00  
Water & Sewer Services ~ Pay Request #1  
Recoating Watauga Water Wash Tank & Tri County Industrial Park  
Funding Source: Water & Sewer Budgeted Expense
- v. Tank Industry Consultants . . . . . \$14,345.25  
Water & Sewer Services ~ Work Order #26  
Contract Administration & Resident Observation of Watauga Water Wash  
Tank & Tri County Industrial Park  
Funding Source: Water & Sewer Budgeted Expense
- vi. Tysinger, Hampton & Partners . . . . . \$8,340.00  
Water & Sewer Services  
Work Order #3 – Lark Street Water & Sewer Design  
Funding Source: Water & Sewer Budgeted Expense
- vii. CDM Smith . . . . . \$2,400.00  
Water & Sewer Services  
Task Order #7 – Brush Creek Aeration System Upgrade  
Funding Source: Water & Sewer Bond Funded
- viii. Gresham, Smith and Partners . . . . . \$634.99  
Public Works  
Indian Ridge Road Improvements  
Funding Source: STP Funds
- ix. Mechanical Design Services . . . . . \$5,516.96  
Administration  
HVAC Design Services for Freedom Hall  
Funding Source : Capital Outlay Notes

- x. Williams Restoration & Waterproofing . . . . . \$2,617.50  
 Administration ~ (FINAL PAYMENT)  
 Johnson City Public Library Brick Repair and Cleaning Project  
 Funding Source: Capital Project Fund

**C. BIDS:**

- i. ITB #5871  
 Bakers Waste Equipment . . . . . \$30,601.00  
 Public Works Dept. ~ Solid Waste Division  
 Compactor Contract  
 Funding Source: Solid Waste Capital

TABULATION OF BIDS  
 CITY OF JOHNSON CITY, TENNESSEE  
 NOVEMBER 18, 2014  
ITB #5871 COMPACTORS CONTRACT-SOLID WASTE

	<u>35 YARD SELF CONTAINED COMPACTOR</u>	<u>2 YD. STATIONARY COMPACTOR W/40 YD RECEIVER</u>
Municipal Equipment	21,805.00	24,485.00
Bakers Waste Equipment	<u>16,062.00</u>	<u>14,539.00</u>
<u>Decline:</u> Wastequip		
<u>No Response:</u> MSC Industrial, Schaefer Systems, Toter, Inc, Cavalier Equip, Lewis Steel, Industrial Plastic Works, Stringfellow, HJ Ind., Rotenics, SMP-KNOX, Rock Tenn, Rahrig, Upbeat, Aramco, Mornar, Equip. Sales & Service, SECURR, Cascade Engineering, N.E.O. FAB, Green Works of Chattanooga, Dempster Sales, Mid-State Equipment, TFC Recycling, GMI Equipment		
RECOMMEND ACCEPTANCE OF LOW BID, CIRCLED ABOVE.		



## ii. ITB #5872

Goodpasture Motors ..... \$119,132.24

Fleet Management ~ Tire Service Truck

Funding Source: Capital Equipment Fund

TABULATION OF BIDS  
CITY OF JOHNSON CITY, TENNESSEE  
NOVEMBER 18, 2014  
ITB #5872 TIRE SERVICE TRUCK-FLEET MANAGEMENT

	<u>Truck</u> (1/ea)	<u>Make/Model</u>	<u>Price with options</u>
Worldwide	\$ 118,955.00	2016 Kenworth T370 w/ FEC body	\$ 120,087.34
Goodpasture	\$ 118,000.00	2015 International Dura Star 4300 w/FEC body	\$ 119,132.34
<u>Decline:</u> Penske, Smoky Mountain <u>No Response:</u> Equipment Tech, Mid-State Equip., CMI Equip., Reeder Chevrolet, Walker Chevrolet, Magic City Ford, Municipal Equipment, Lodal-South, Volunteer Volvo, Cavalier Equip., Ted Russell Ford, Randy Marion, Special Fleet Services, OG Hughes, Nicholas Fleet Equip., Altec Ind., Stringfellow, Nafeco, McNelly Whaley, MHC Kenworth, Freightliner of Knox, Wade Ford, Landmark International Trucks, Palfilet Truck Equip., Ford of Murfreesboro, Acme Auto Leasing, Whiteside Chevrolet, Lee-Smith, Advanced Containment Systems, Jacky Jones, Rick Hendrick Chevrolet, WRT Manufacturing, Performance Peterbilt, Cherokee Truck, Bearman			
RECOMMEND ACCEPTANCE OF LOW BID, CIRCLED ABOVE.			

## iii. ITB #5873

Universal Total Lubricants . . . . . \$181,215.00

Fleet Management ~ Hydraulic &amp; Motor Oils Contract

Funding Source: Budgeted Expense

TABULATION OF BIDS  
CITY OF JOHNSON CITY, TENNESSEE  
NOVEMBER 18, 2014  
ITS #5873 ENGINE, HYDRAULIC DIESEL FLUID/OILS CONTRACT-FLEET MANAGEMENT

	Fully Synthetic Engine Oil (3000 gals) (price/gal)	SAE-5 W-40 (10,000 gals) (price/gal)	Premium Hydraulic Oil (2,500 gals) (price/gal)	Diesel Exhaust Fluid (3,000 gals) (price/gal)	Total
Coffman Oil	8.48	12.75	7.33	1.59	176035.00*
Greeneville Oil	9.03	13.15	7.56	1.74	184,510.00
Lubricorp	9.58	12.91	7.97	1.48	182,205.00
Universal Total Lubricants	8.78	13.64	5.65	1.45	181,215.00
Hutchens Petroleum	13.68	13.14	6.29	1.59	192,935.00
Alternate	9.62	14.00	5.55	1.59	187,505.00

\*products do not meet specs.

Deadline: None

No Response: Carter Machinery, Rogers Southeastern, Applied Inc., Bart & Associates, Southern Fluidpower, J&S Do Green, Simpson & Sons, Jurell Corp

RECOMMEND ACCEPTANCE OF LOWEST BID, MEETING SPECIFICATIONS CIRCLED ABOVE. THREE YEAR CONTRACT, SUBJECT TO ANNUAL RENEWALS. ESTIMATED ANNUAL COST \$181,215. PRODUCTS TO BE ORDERED AS NEEDED BASED ON UNIT PRICES ABOVE.

**D. PURCHASES:**

- i. Tennessee Book Company ..... \$719,421.22  
Johnson City Schools  
Textbooks for Various Schools  
Funding Source: General Purpose School Fund

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, **Ordinance No. 4570-14**, "AN ORDINANCE TO AMEND THE CODE OF ORDINANCES REGARDING FOOD TRUCK/TRAILERS WITHIN PUBLIC RIGHT-OF-WAY," was ***passed on first reading***. The motion ***carried*** by five ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4571-14**, "AN ORDINANCE TO REZONE 1404 W. STATE OF FRANKLIN ROAD FROM B-4 (PLANNED ARTERIAL BUSINESS) TO B-3 (SUPPORTING CENTRAL BUSINESS)," was ***passed on first reading***. The motion ***carried*** by five ayes. There were no nay votes.

Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4572-14**, "AN ORDINANCE TO REZONE PROPERTY ALONG MARKET STREET FROM I-2 (HEAVY INDUSTRIAL DISTRICT) TO R-4 (MEDIUM DENSITY RESIDENTIAL)," was ***passed on first reading***. The motion ***carried*** by five ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4568-14**, "AN ORDINANCE TO REZONE 158, 168, 172, 174 SOUTH AUSTIN SPRINGS ROAD FROM R-3 (MEDIUM DENSITY RESIDENTIAL) AND A-1 (GENERAL AGRICULTURAL) TO RP-3 (PLANNED RESIDENTIAL)," was ***passed on third reading***. The motion ***carried*** by four ayes. Commissioner David Tomita was absent from the Chambers. There were no nay votes.

**ORDINANCE NO. 4568-14**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE BEING PART OF THE APPENDIX TO ORDINANCE NO. 1519 ENTITLED "AN ORDINANCE TO ADOPT A CODE OF LAWS AND ORDINANCES FOR THE CITY OF JOHNSON CITY, TENNESSEE, AND TO REPEAL ALL LAWS AND ORDINANCES IN CONFLICT THEREWITH", AND AMENDATORY THEREOF, BY CHANGING FROM A R-3 (MEDIUM DENSITY RESIDENTIAL) AND A-1 (GENERAL AGRICULTURE) DISTRICT TO A RP-3 (PLANNED RESIDENTIAL) DISTRICT FOR CERTAIN PROPERTY LOCATED AT 158, 168, 172, AND 174 S. AUSTIN SPRINGS ROAD.

**BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:**

**SECTION 1.** That the Zoning Map of the city of Johnson City, Tennessee, being a part of the appendix to Ordinance No. 1519 entitled, "An Ordinance to Adopt a Code of Laws and Ordinances for the City of Johnson City, Tennessee, and to Repeal All Laws and Ordinances in Conflict Therewith," and all ordinances supplementary thereto and amendatory thereof, be and the same is hereby amended and modified by changing the zoning on the following described property from a R-3 (Medium Density Residential) and A-1 (General Agricultural) to RP-3 (Planned Residential).

See description marked "Exhibit 'A'" hereto.

See map of the above-described property marked "Exhibit 'B'" hereto.

See associated Concept Plan marked "Exhibit 'C'" hereto

**SECTION 2. BE IT FURTHER ORDAINED.** That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 3. BE IT FURTHER ORDAINED,** That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED ON FIRST READING	<u>11/06/2014</u>
PASSED ON SECOND READING	<u>11/20/2014</u>
PASSED ON THIRD READING	<u>12/04/2014</u>
APPROVED AND SIGNED IN OPEN MEETING	
ON THE <u>4<sup>th</sup></u> DAY OF <u>December</u> , 2014	

/s/ Ralph Van Brocklin

MAYOR

**ATTEST:**

/s/ Janet Jennings

**City Recorder**

## APPROVED AS TO FORM:

/s/ James H. Epps, IV  
City Attorney

## "Exhibit 'A'"

## Warranty Deed

THIS DEED made and entered into on this the 4th day of August, 2008, by and between THOMAS B. WALLACE, III, and CANDACE FERRIS, being the sole heirs at law of THOMAS B. WALLACE, deceased, Parties of the First Part, and WATAUGA PARTNERSHIP, a Tennessee Partnership comprised of James Birdwell and Tim O'Neill, Parties of the Second Part.

## WITNESSETH:

That for and in consideration of the sum of \$10.00 cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties of the First Part have conveyed and sold, and by these presents do hereby transfer and convey unto the Party of the Second Part, its successors and/or assigns, the following described real property, to-wit:

Situate, lying and being in the 10th Civil District of Washington County, Tennessee, and more particularly described as follows:

## Tract 1:

BEGINNING at an iron pin in the southeasterly line of Austin Springs Road, corner for Wallace and Jenkins; thence continuing with said line of Austin Springs Road, S. 31° 48' W., 100 feet to an iron pin; thence continuing with said line of Austin Springs Road, S. 23° 23' W., 126.82 feet to an iron pin, corner for Tom Wallace; thence with the Tom Wallace line, S. 64° 55' E., 495.58 feet to an iron pin; thence continuing with Tom Wallace's line, S. 25° 05' W., 220 feet to a point in the line of State Highway Department property; thence S. 64° 55' E., 793.59 feet to a point on Masters Knob in the Swadley line; thence with Swadley line, N. 28° 49' E., 443.20 feet to a point; thence N. 64° 45' W., 1310.10 feet to a point of the BEGINNING, containing 10.80 acres, more or less. This is the same description as in the previous deed of record.

AND BEING the same property conveyed to Thomas B. Wallace and wife, Peggy H. Wallace from Stella I. Wallace by deed dated September 2, 1959, recorded in

Deed Book 334, page 318, in the Register's Office for Washington County, Tennessee, to which reference is here made.

Tract II:

BEGINNING at an iron pin in the southeasterly line of Austin Springs Road, corner for Wallace and Cooper; thence with the said line of said road, N. 8° 41' E., 161.70 feet to a point; thence continuing with said road, N. 23° 23' E., 64.91 feet to an iron pin; thence by a new line across the Wallace property, S. 64° 55' E., 495.58 feet to an iron pin; thence S. 25° 05' W., 220.00 feet to an iron pin in the J. M. White line; thence with the line of White and Cooper, N. 66° 55' W., 448.00 feet to the point of BEGINNING, containing 2.4 acres, more or less. This is the same description as in the previous deed of record.

AND BEING the same property conveyed to Thomas Barron Wallace and wife, Peggy Hyatt Wallace from Stella Wallace by deed dated May 29, 1959, recorded in Deed Book 328, page 179, in the Register's Office for Washington County, Tennessee, to which reference is here made.

Thomas B. Wallace, being one and the same person as Thomas Barron Wallace, died on October 13, 1977, leaving his wife, Peggy H. Wallace, being one and the same person as Peggy Hyatt Wallace, as the surviving tenant by the entirety. Peggy H. Wallace died on June 22, 2008, intestate and the Administration of her Estate is filed in the Chancery Court of Washington County, Probate Division in Jonesborough, Tennessee as Case #PO526, wherein Thomas B. Wallace, III and Candace Ferris are named the sole heirs at law.

Tax Assessor's Property ID No.: Map 30-N, Group A, Parcel 6.06, Spec. Int. 000 and 001.

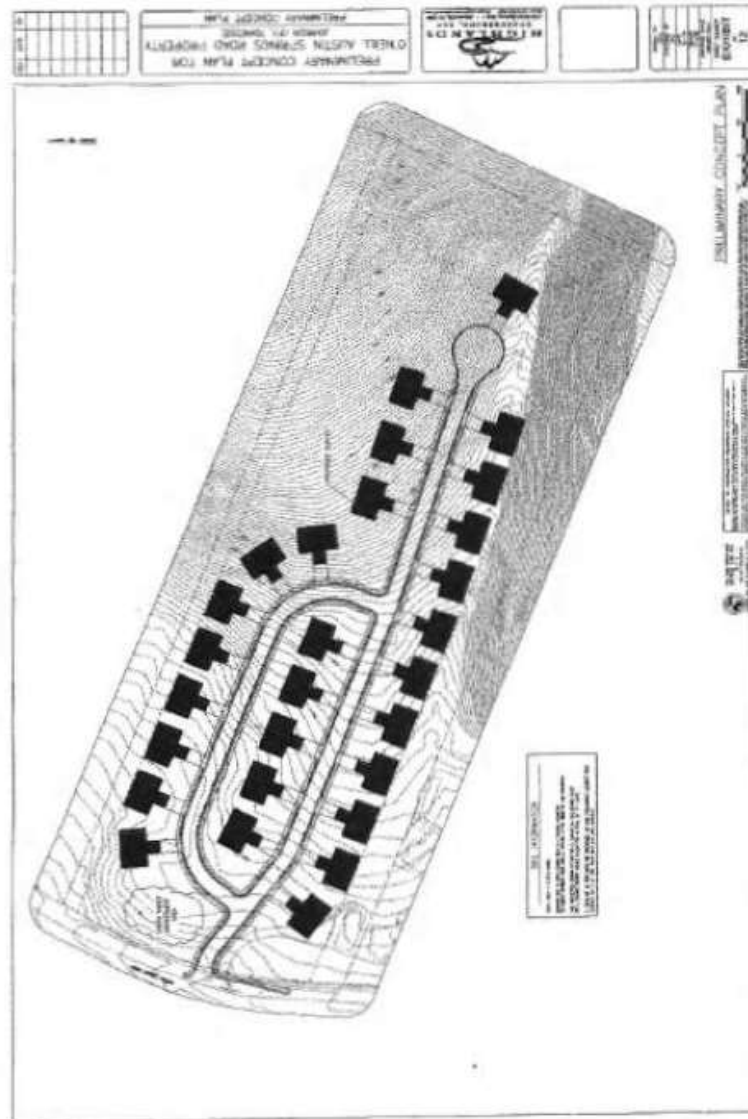
TO HAVE AND TO HOLD the above-described property, together with all the rights, privileges and appurtenances thereunto appertaining unto the Party of the Second Part, its successors and/or assigns, forever in fee simple.

The Parties of the First Part warrant that they are lawfully seized and possessed of the above-described property; that they have a good and perfect right to convey the same; that said

"Exhibit 'B'"



"Exhibit 'C'"



Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. Commissioner David Tomita was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the concept plan for the rezoning of 158, 168, 172, 174 South Austin Springs Road from R-3 (Medium Density Residential) and A-1 (General Agricultural) to RP-3 (Planned Residential)," be and the same is hereby approved.



Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4569-14**, "AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING VESTING RIGHTS OF DEVELOPMENT WITH SITE PLAN APPROVAL," was **passed on third reading**. The motion **carried** by four ayes. Commissioner David Tomita was absent from the Chambers. There were no nay votes.

**ORDINANCE NO. 4569-14**

AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, ARTICLE III, NONCONFORMING PROVISIONS, ARTICLE IV, APPLICATION OF REGULATIONS, AND ARTICLE V, SITE PLAN REVIEW OF THE ZONING CODE OF THE CITY OF JOHNSON CITY, TENNESSEE CONCERNING VESTING RIGHTS OF DEVELOPMENT.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:**

**SECTION 1.** That Article II, Definitions, Article III, Nonconforming Provisions, Article IV, Application of Regulations, and Article V, Site Plan Review of the Zoning Code of the City of Johnson City, Tennessee be and the same is hereby amended and modified as follows:

Amend Article II, Definitions to include the following definitions:

**DEVELOPER:** a landowner or any party, representative, agent, successor, or heirs of the landowner or developer.

**CONSTRUCTION:** the erection of construction materials in a permanent position and fasten in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition, or removal shall be deemed to be construction: provided, that work shall be carried on diligently and complies with applicable requirements.

**SITE PREPARATION:** excavation, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sewer lines, footings, or foundation installed on the site for which construction permits are required.

Amend Article III, to delete Section 3.3.1, Construction Initiated

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the erection of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently and complies with all applicable city requirements.

Amend Article IV, Application of Regulations to include the following:

**4.15 -VESTING RIGHTS**

To avoid undue hardship, an approved site plan shall be considered vested for a period of three (3) years from the date of site plan approval provided the developer secures all necessary permits. The vesting period shall be extended an additional two (2) years provided site preparation has begun during the initial three year period. If construction commences and the developer maintains all necessary permits, the site plan remains vested for a period not to exceed ten (10) years from the date of original approval. The vesting period for an approved site plan may be extended as deemed advisable by the Planning Commission. Developments involving multiple phases are vested for a period of fifteen (15) years.

Type of Project	Vesting Period	Required Actions
Site Plan	3 yrs.	Obtain Site Plan approval and secure necessary permits
	2 additional yrs.	Site preparation has commenced
	5 additional yrs. (not to exceed a total of 10 yrs.)	Construction commences and developer maintains all permits.
Multi-phase Site Plans	15 yrs.	Complete construction for each phase, maintain necessary permits.

In the event the city enacts a moratorium on development or construction, the vesting period shall be tolled during the moratorium period.

**4.15.1 TERMINATION OF VESTING RIGHTS**

The vested rights of an approved site plan may be terminated upon a written determination by the city under the following circumstances:

- A. When the developer violates the terms and conditions specified in the approved site plan; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the city may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;
- B. When the developer violates any of the terms and conditions specified in the local ordinance or resolution; provided, the developer is given ninety (90) days from the date of notification to cure the violation; provided further, that the city may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;
- C. Upon a finding by the city that the developer intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of site plan approval or intentionally and knowingly did not construct the development in accordance with the approved site plan or an approved amendment for the building permit or the site plan; or
- D. Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the city and that precludes development as contemplated in the approved site plan, unless modifications to the development plan or building permit can be made by the developer, within ninety (90) days of notification of the new requirement, which will allow the developer to comply with the new requirements.

Amend Article V, Site Plan Review to include the following:

**ARTICLE V, SITE PLAN REVIEW**

**5.1.6 Development Plan Amendment**

An amendment to an approved site plan by the developer must be approved by the city to retain the protections of the vested property rights. An amendment may be denied based upon a written finding by the city that the amendment:

- A. Alters the proposed use;
- B. Increases the overall area of the development;
- C. Alters the size of any nonresidential structures included in the development plan;
- D. Increases the density of the development so as to affect traffic, noise or other environmental impacts; or
- E. Increases any local government expenditure necessary to implement or sustain the proposed use.

**SECTION 2. BE IT FURTHER ORDAINED,** That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 3. BE IT FURTHER ORDAINED,** That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED ON FIRST READING 11/06/2014

PASSED ON SECOND READING 11/20/2014

PASSED ON THIRD READING 12/04/2014

APPROVED AND SIGNED IN OPEN MEETING

ON THE 4<sup>th</sup> DAY OF December, 2014

/s/ Ralph Van Brocklin  
MAYOR

**ATTEST:**

/s/ Janet Jennings  
**City Recorder**

**APPROVED AS TO FORM:**

/s/ James H. Epps, IV  
**City Attorney**

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the re-approval of three (3) items added to the Consent Agenda, 1) a payment to CMS ACA Transitional Reinsurance in the amount of \$157,628.63, 2) a revised loan resolution authorizing indebtedness up to \$1,300,000 to fund a field house at Science Hill High School (SHHS), and 3) a revised loan resolution authorizing indebtedness up to \$2,000,000 to fund the Downtown Event Facility, be and the same are hereby approved.

At this time, Dan Wheeler, EMS, and Bob McNeil, Washington County 911, presented status reports on the Public Safety Study and Recommendations.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of the adoption of the Special Events Policy, be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That 2015 Tri-Cities Legislative Policy, be and the same is hereby approved.

At this time, Commissioner Jeff Banyas requested that a report on problems at intersections and a plan to improve traffic flow be presented at the next meeting.

At this time, City Manager Pete Peterson read into the minutes the Comptroller Budget Approval letter.



STATE OF TENNESSEE  
COMPTROLLER OF THE TREASURY  
OFFICE OF STATE AND LOCAL FINANCE  
SUITE 1600 JAMES K. POLK STATE OFFICE BUILDING  
505 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1402  
PHONE (615) 401-7872  
FAX (615) 741-5986

November 19, 2014

Honorable Ralph Van Brocklin, Mayor  
Board of Commissioners  
City of Johnson City  
P.O. Box 2150  
Johnson City, TN 37605

Dear Mayor Van Brocklin and Commissioners:

This letter should be read into the minutes of the next meeting of the Board of Commissioners with a copy provided to each Commissioner.

This letter acknowledges receipt of a certified copy of the 2015 fiscal year budget for the City of Johnson City (the "City").

We have reviewed the City's budget and have determined that projected revenues and other available funds are sufficient to meet anticipated expenditures. Our review of the budget is based solely on the information we have received and is for the purpose of determining that the budget appears to be balanced. With regard to programs included in the budget such as education, roads, and corrections, we have not made any attempt to determine that the local government has complied with specific program statutes or guidelines, or with any financing requirements prescribed by any state or federal agency. A property tax rate may be included in this budget, and we would recommend that local government officials be certain that all program requirements have been met before initiating the tax collection process.

This letter constitutes approval, by this office, for the City's 2015 fiscal year budget as adopted by the governing body.

Sincerely,  
  
Sandra Thompson  
Director of the Office of State and Local Finance

Cc: Mr. Jim Arnette, Director of Local Government Audit

There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 9:46 p.m.

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RALPH VAN BROCKLIN  
MAYOR

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JANET JENNINGS  
CITY RECORDER

## ITEMS DEFERRED:

1. Consent Agenda Item - the consideration of the approval of a five (5) year contract with Greyhound Lines, Inc.
2. Consideration of a request from Frontier Health for \$20,000 in matching funds for the Mountain View Elementary System of Care Grant.
3. Consideration of a Maintenance Agreement with Tennessee Department of Transportation with respect to the construction of a signal at the intersection Mountainview Road and SR 36 (North Roan Street).
4. Consideration of the adoption of the Special Events Policy.

## ACTION ITEMS:

1. Answers from City Staff, requested by the City Commission at the Agenda Meeting, regarding the length of the Greyhound Lines, Inc. contract and potential alternate locations.
2. Trail Task Force Committee to meet with Elizabethton, develop a plan and report back to the City Commission. City Staff will check into the formation of a 501(C) (3) for the Trail and get back to the City Commission and City Staff will look at directional signage and report back within thirty (30) days.
3. Commissioner Jeff Banyas requested that a report on problems at intersections and a plan to improve traffic flow be presented at the next meeting.
4. City Staff to continue working on Special Events Policy and pull Police Department policy previously presented.